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By ECF

November 11, 2016

The Honorable Robert M. Levy
United States Magistrate Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Harlam v. Blue Diamond Growers
Civil Action No. 15-00877 (MKB) (RML)

Dear Judge Levy:

This firm represents Defendant Blue Diamond Growers in the above-referenced action. Jointly with Plaintiff, we are pleased to report that a nationwide settlement of this case and similar cases has been finalized. On or shortly after November 14, 2016, the settling parties will submit their settlement agreement to the Circuit Court of Washington County, Arkansas, to seek preliminary approval. Anticipating that the settlement will be approved and will resolve the claims before this Court, we respectfully submit this letter motion for a further adjournment of the Initial Conference currently scheduled for November 16.

Pursuant to the attached Stipulation and Proposed Order, counsel for the parties have stipulated and agreed, subject to the Court's approval, to a 90-day adjournment of the Initial Conference.

Defendant respectfully requests that the Court allow this request and So Order the attached Stipulation and Proposed Order. Thank you.

Respectfully submitted,

/s/ Joshua L. Solomon

Joshua L. Solomon

cc: Plaintiff's Counsel (by ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CLAIRE HARLAM,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-CV-00877 (MKB) (RML)
)	
BLUE DIAMOND GROWERS,)	STIPULATION AND [PROPOSED]
)	ADJOURNMENT OF INITIAL CONFERENCE
Defendant.)	
)	

Plaintiff Claire Harlam and Defendant Blue Diamond Growers respectfully submit this joint motion to adjourn the November 16, 2016 Initial Conference based on a nationwide class settlement.

Plaintiff's counsel has filed similar cases against Blue Diamond Growers regarding the labeling statements on its Almond Breeze products in the following jurisdictions: United States District Court for the District of Massachusetts, Los Angeles County Superior Court, United States District Court for the Eastern District of New York (this litigation), and the Circuit Court of Washington County, Arkansas.

The Parties have worked through all issues regarding the nationwide settlement documents, and the settlement agreement has been finalized and signed by all parties and counsel. The Parties' nationwide settlement resolves labeling claims concerning Blue Diamond Growers' Almond Breeze products, and Plaintiffs expect to submit the settlement agreement for preliminary court approval in the Arkansas case on November 14 or shortly thereafter. The settlement agreement calls for the dismissal of this action following final approval of the settlement in the Arkansas case and upon the Effective Date of the settlement agreement.

Accordingly, the Parties respectfully request that the November 16, 2016 Initial

Conference be re-set for a date on or after February 15, 2017.

WHEREFORE, the parties respectfully request that the Court enter an order adjourning the November 16, 2016 Initial Conference until on or after February 15, 2017.

SO ORDERED:

Dated November __, 2016 _____

November 11, 2016

Respectfully submitted,

PLAINTIFF CLAIRE HARLAM

DEFENDANT BLUE DIAMOND
GROWERS

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